



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

MINUTES

Wednesday, August 11, 2004

2004-0566 - Application for a Variance from Sunnyvale Municipal Code section 19.34.030 to allow a combined side-yard setback of nine feet and ten inches where twelve feet is required. The property is located at **924 Mockingbird Lane** in an R-0 (Low Density Residential) Zoning District. (APN: 198-42-003) JMC

In attendance: Richard and Lisa Harmon, Owner/Applicant; Gerri Caruso, Administrative Hearing Officer; Jamie McLeod, Project Planner; Fred Bell, Principal Planner; and, Gloria Barron, Recording Secretary.

Ms. Gerri Caruso, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Jamie McLeod, Project Planner, presented the staff report. She summarized the subject application and recommended denial of the Variance because staff was not able to make the required Findings for the Variance.

Ms. Caruso opened the public hearing.

Richard Harmon, Applicant/Owner, stated that he received and reviewed a copy of the staff report. He thanked staff for the opportunity to present his point of view and stated that he had several items to review. Mr. Harmon submitted site plans and photographs for review. He also submitted signatures from neighbors in support of the project. Mr. Harmon stated that he is requesting a Variance because he needs additional space for his growing family. He outlined the home additions and stated that he did consider doing the addition in the rear however, there is no room for the addition in the back. Mr. Harmon then stated that the first reason why he could not take the addition and slide it over closer to the garage was because he needs to maintain an egress window into the proposed guest bedroom. He then noted that he did consider changing the front addition to fit within the setback constraints but stated that moving the side wall in to meet the setback would give the obvious appearance of an addition and stated that it was not desirable because it would not integrate architecturally with the rest of the house. Mr. Harmon then stated that he took photographs of houses with additions, within a two block radius of his house, where the existing side wall of the house was carried forward in the addition. He stated that there were about 7 houses in the surrounding neighborhood where the addition continues the line of the existing side wall forward out to the front. He noted that 927 Robin Way has an addition under construction which has the addition going outside and beyond the side wall of the house. Mr. Harmon then referred to the staff report and addressed Finding #1. He felt the lot shape was the issue and not the lot size. He then stated that due to the angling side property line which is not parallel to the house the Variance is needed. Mr. Harmon strongly disagreed with the third comment under Finding #1 for reasons noted above and stated that he is in the

design business and cares a lot about detail and stated it would be objectionable to him to have the jog in the house. Mr. Harmon then referred to Condition of Approval #4 and asked permission to remove the tree in the front yard due to problems the roots have caused. Ms. Caruso stated that a Tree Removal Permit would be required to remove the tree and the City arborist would schedule a site visit and determine if it could be removed. Ms. Caruso noted that Condition #4 would remain as is.

Ms. Caruso closed the public hearing.

Ms. Caruso stated that she agreed with the Findings provided by staff and believed that there is another way the addition could be tackled. Ms. Caruso denied the Variance because the Findings could not be made.

Ms. Caruso stated that the decision is final unless appealed during the 15-day appeal period.

The meeting was adjourned at 2:21 p.m.

Minutes approved by:

Gerri Caruso, Principal Planner